

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUTHORS GUILD, et al.,

Plaintiff,

-against-

OPENAI INC., et al.,

Defendants.

23-cv-8292 (SHS) (OTW)

And the Consolidated Cases:

23-cv-10211 (SHS) (OTW)

24-cv-84 (SHS) (OTW)

ORDER

THE NEW YORK TIMES COMPANY.,

Plaintiff,

-against-

MICROSOFT CORPORATION, et al.,

Defendants.

23-cv-11195 (SHS) (OTW)

ORDER

DAILY NEWS, LP, et al.,

Plaintiff,

-against-

MICROSOFT CORPORATION, et al.,

Defendants.

24-cv-3285 (SHS) (OTW)

ORDER

THE CENTER FOR INVESTIGATIVE REPORTING, :	:	
INC., :	:	
	:	24-cv-4872 (SHS) (OTW)
Plaintiff, :	:	
	:	
-against- :	:	
	:	
OPENAI, INC., et al., :	:	<u>ORDER</u>
	:	
Defendants. :	:	
	:	
-----X	:	

ONA T. WANG, United States Magistrate Judge:

The Court held a status conference on these matters on September 12, 2024, and rules as follows:

- I. **Authors Guild, et al. v. OpenAI Inc., et al. No. 23-cv-8292 and consolidated cases.**
 - A. Plaintiffs' letter motion to compel at ECF 78 is **DENIED**. The parties are directed to meet and confer by **September 20, 2024**, and file a joint status letter on the docket apprising the Court of any progress made on this issue.
 - B. Plaintiffs' letter motion to compel at ECF 106 is **GRANTED in part**. Defendant OpenAI is directed to produce the responses to FTC interrogatories Nos. 15-21 as identified in Plaintiffs' letter motion. Plaintiffs' letter motion is **DENIED as moot in all other respects**. Plaintiffs' letter motion to compel at ECF 143 is also **DENIED as moot**.
 - C. Plaintiffs' letter motion at ECF 138 is **DENIED as moot**.
 - D. Plaintiffs' letter motion for bi-weekly status conferences at ECF 147 is **DENIED without prejudice**.
 - E. Defendant's letter motion to compel at ECF 164 is **DENIED as moot**.

- F. Plaintiffs' letter motion to compel at ECF 168 is **DENIED**. The parties are directed to meet and confer by **September 20, 2024**, and file a joint status letter on the docket apprising the Court of the progress made on this issue.
 - G. Defendants' letter motion for an extension of time for fact discovery at ECF 180 is **GRANTED**. The interim fact discovery deadline is hereby extended to **December 20, 2024**.
 - H. Plaintiffs' letter motion to compel at ECF 193 is **DENIED**. Defendant OpenAI is directed to preserve and segregate all documents that are held by the listed custodians raised in Plaintiffs' letter motion.
- II. **The New York Times Co. v. Microsoft Corp. et al., 23-cv-11195.**
- A. Plaintiff's letter motion for bi-monthly status conferences at ECF 117 is **DENIED without prejudice**.
 - B. Defendant's letter motion to compel at ECF 124 is **DENIED**.
 - C. Plaintiff's letter motion to compel at ECF 128 is **DENIED**. The parties are directed to meet and confer by **September 20, 2024**, and file a joint status letter on the docket apprising the court of the progress made on this issue.
 - D. Defendants' conditional cross-motion at ECF 131 is **GRANTED in part**. The interim fact discovery deadline is hereby extended to **December 20, 2024**. Defendants' cross-motion is **DENIED** in all other respects.

- E. Plaintiff's letter motion to compel at ECF 141 is **DENIED**. The parties are directed to meet and confer by **September 20, 2024**, and file a joint status letter on the docket apprising the court of the progress made on this issue.
- F. Defendants' motion to consolidate this action, *The New York Times Co. v. Microsoft Corp. et al.*, No. 23-cv-11195, with *Daily News et al. v. Microsoft Corp. et al.*, No. 24-cv-3285 at ECF 142 is **GRANTED** for the reasons stated on the record.
- G. Defendants' letter motion for oral argument at ECF 146 is **DENIED as moot**.
- H. Defendant's letter motion to compel at ECF 152 is **DENIED** with respect to RFPs 10, 11, and 12. Defendant's letter motion is also **DENIED without prejudice to renewal** with respect to correspondence and applications to the U.S. Copyright Office after OpenAI has first completed its own production re: LLM training.
- I. Plaintiff's letter motion to compel at ECF 204 is **DENIED**. Defendant OpenAI is directed to preserve and segregate all documents that are held by the listed custodians raised in Plaintiffs' letter motion.
- J. Plaintiff's letter motion to compel at ECF 221 is **DENIED**. The parties are directed to meet and confer by **September 20, 2024**, and file a joint status letter on the docket apprising the court of the progress made on this issue.
- K. Plaintiff's letter motion to compel at ECF 228 is **DENIED**. The parties are directed to meet and confer by **September 20, 2024**, and file a joint status letter on the docket apprising the court of the progress made on this issue.

- L. Defendant's letter motion for an extension of time at ECF 235 is **GRANTED**. The interim fact discovery deadline is hereby extended to **December 20, 2024**.

- III. **Daily News, LP, et al. v. Microsoft Corp., et al., 24-cv-3285.**
 - A. Plaintiffs' letter motion at ECF 135 is **DENIED as moot**.

- IV. **Basbanes et al. v. Microsoft Corp. et al., 24-cv-84.**
 - A. The parties are directed to file a joint stipulation, if possible, by **September 27, 2024**, regarding the potential dismissal of certain claims.
 - B. The case is hereby **STAYED** until **September 27, 2024**.

- V. **Center for Investigative Reporting, Inc. v. OpenAI, Inc. et al., 24-cv-4872.**
 - A. The parties' Rule 16 conference will be held at/with the **October 30, 2024** status conference. The parties are directed to file their Rule 26(f) report by **Wednesday, October 16, 2024**.

All joint status letters are due **September 27, 2024**, unless otherwise directed at the conference, and shall be filed in their respective dockets only.

The Court will hold an **Omnibus In-Person Status Conference for all cases on Wednesday, October 30, 2024 at 9:30 a.m.** in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The parties are directed to file respective joint agendas by **Wednesday, October 16, 2024.**

SO ORDERED.

Dated: September 13, 2024
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge